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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,681	12/18/2001	Muljadi Sulistio	CMRC 1009-1	7035
22470	7590	11/28/2006	EXAMINER	
HAYNES BEFFEL & WOLFELD LLP			STEVENS, ROBERT	
P O BOX 366			ART UNIT	
HALF MOON BAY, CA 94019			PAPER NUMBER	

2162

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/026,681

Applicant(s)

SULISTIO ET AL.

Examiner

Robert Stevens

Art Unit

2162

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-24.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


**SHAHID ALAM
PRIMARY EXAMINER**

Continuation of 3. NOTE: The claims have been amended, requiring further search and/or consideration in order to fully consider the merits of such amendments.

Continuation of 11. does NOT place the application in condition for allowance because: Regarding the claim rejections under 35 USC 101: Applicant asserts that the prior art is useful, and therefore Applicant's subject matter is useful. The Office respectfully disagrees, noting that the issue is the claim language, and the under current Office policy, the claim language does not reflect a useful, concrete and tangible result.

Regarding the rejections under 35 USC 112-1st paragraph: The Office will withdraw these rejections upon entry of the claim amendments.

Regarding the rejections of the claims under 35 USC 112-2nd paragraph: The Office will withdraw these rejections upon entry of the claim amendments. It is noted that the discussion of amendments directed to "one or more" and "sending search criteria ..." limitations are directed to new amendments, not associated with the previous claim rejection. The evaluation of such further amendments would necessitate further search and/or consideration.

Regarding the rejections of the claims under 35 USC 103(a): Applicant sets forth a number of issues. Regarding the first issue (page 10), Applicant's arguments are directed to the amended claims, and thus would require further search and/or consideration to fully evaluate. Regarding the second issue (page 11), Altinel is not relied upon for teaching a graphical user interface, thus the Office considers the argument moot. Regarding the third issue (page 11), Altinel is not relied upon for showing specifically claimed fields in a graphical user interface. Applicant further asserts that Applicant does not claim XPath expressions. The Office respectfully disagrees, and respectfully notes that Applicant does broadly claim compliance with any version of XPath, reasonably encompasses XPath expressions. Regarding the fourth issue (page 12), Applicant asserts that an affidavit is necessary. The Office respectfully disagrees, noting also that the cited Altinel reference appears to teach the claim limitation, noting such passages as the discussion on the Filter engine in the "Filter Engine" section of page 56. Regarding the fifth issue (page 12), Applicant asserts that the references do not teach Applicant's claimed subject matter, but provides no specific rationale in support of this assertion. The Office respectfully disagrees with Applicant's position. For supporting rationale, see the Final rejection, mailed to Applicant on 9/20/2006. Applicant further asserts that motivation is lacking on pages 12-15 because, inter alia, operating in a similar field of endeavor is irrelevant to the issue of motivation to combine. The Office respectfully disagrees. Those skilled in the art and operating in the same field of endeavor are interested in similar problems, and thus would be inclined to investigate the teachings of others operating in that field of endeavor, because they would be apt to encounter similar problems. Additionally, it is noted that the Nixon (aka DPSGUI) and Altinel references are both directed to searching. Altinel is not supplied for its graphical user interface teachings. Regarding the next issue, at the top of page 15, Applicant asserts that Altinel does not teach the use of XPath in conjunction with a graphical user interface for inputting search queries. The Office respectfully disagrees, noting that section "4.1 Filter Engine" of page 56 discusses XPath query processing. Applicant next asserts on page 15, that the references do not teach the searching of XML-compliant documents. The Office respectfully disagrees, noting that at least Altinel discusses the use of XFilter for searching XML documents in the last paragraph of page 53. Applicant next asserts on page 15, that the references do not teach the location of a translation function as being implemented in the GUI. The Office is not sure of the rationale for this argument, noting that a graphical user interface, as is known in the art, provides an i/o mechanism. Any follow-on processing is not considered by one skilled in the art to be a GUI function. It is further noted that the specific location of processing functionality was an obvious variant to one skilled in the art at the time of the invention. Applicant next asserts on pages 15-16, that the claims rejected "further in view of Adar" are allowable for the same reasons as asserted vice the rejections under DPSGUI in view of Altinel. The Office respectfully disagrees for the reasons provided above. For the reasons provided above, and the Final action mailed 9/20/2006, the Office respectfully maintains the rejections of the claims as set forth in the Final action mailed 9/20/2006.